

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

DONALD LYLE STRATTON,

Petitioner,

v.

STATE OF WASHINGTON

Respondent.

Case No. C08-5311RJB/JKA

ORDER TO AMEND
OR CHANGE CASE
CAPTION

This habeas corpus petition has been referred to the undersigned Magistrate Judge pursuant to Title 28 U.S.C. §§ 636(b)(1)(A) and 636 (b)(1)(B) and Local Magistrates' Rules MJR 3 and MJR 4. Petitioner seeks federal habeas corpus relief pursuant to 28 U.S.C. § 2254. (Dkt. # 1).

The court has reviewed the petition prior to service. Mr. Stratton names the State of Washington as the only respondent. Mr. Stratton is incarcerated and should have named the superintendent of the facility where he is currently housed.

28 U.S.C. § 2243 indicates that writs are to be directed “to the person having custody of the person detained.” This person typically is the superintendent of the facility in which the petitioner is incarcerated. Failure to name the petitioner's custodian deprives federal courts of personal jurisdiction. Stanley v. California Supreme Court, 21 F.3d 359, 360 (9th Cir. 1994).

ORDER

